



## AKD Prinsen Van Wijmen

**HARRIS & RUFTY, L.L.C.**  
Attn. Mr Alfred J. Rufty III  
650 Poydras Street,  
Suite 2710  
New Orleans, LA 70130

AKD Prinsen Van Wijmen N.V.  
Admiralteitskade 50  
P.O. Box 4302  
3008 AH ROTTERDAM  
The Netherlands  
Tel. : +31 (0)10 2725413  
Fax : +31 (0)10 2725430  
E-mail : [smoolenaar@akd.nl](mailto:smoolenaar@akd.nl)  
Internet : [www.akd.nl](http://www.akd.nl)

Third parties account:  
ING Bank 67.80.01.677

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Rotterdam, 7 May 2007

Re : m.v. CABALLO AZTECA  
Your ref.: --  
Our ref. : 191109 smo

Dear Mr Rufty,  
Dear Colleague,

I, SEBASTIAAN MOOLENAAR, declare as follows:

1. I am a licensed lawyer in the Netherlands. I was hired by Oceanografia, SA de CV, in approximately November 2005 soon after the vessel CABALLO AZTECA was arrested in a shipyard in Delfzijl, the Netherlands.
2. Oceanografia's Mr. Amado Yanez sought my advice about what to do, if anything, concerning the vessel arrest. He told me that Oceanografia did not own the vessel, having previously sold the vessel to another company informally referred to as TNT. He also told me that the vessel was still undergoing modifications and/or repairs in the shipyard.
3. I asked Oceanografia to provide me with records concerning the sale and present ownership of the vessel, together with translations. Over a period of months I communicated with Oceanografia occasionally and received various documents and translations.
4. I ultimately concluded that TNT apparently was the owner of the vessel at the time of the arrest and that the arrest therefore appeared to have been wrongful. I expressed this opinion to Oceanografia but advised that any challenge to the arrest must be made by the current owner, TNT. I recommended the name of another Dutch lawyer, Mr. Michael Hajdasinski, who may be able to assist TNT, with the expectation that Oceanografia would pass this information along to TNT.

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5. I subsequently spoke with Mr. Hajdasinski and understand that he was engaged by TNT to challenge the arrest. I provided Mr. Hajdasinski with the documents and translations that I had gathered.

I herewith allow you to submit this declaration to a US Court if you so wish.

Yours sincerely,

A handwritten signature in black ink, appearing to be "S. Moolenaar", written over a horizontal line.

AKD Prinsen Van Wijmen N.V.  
Sebastiaan H.L. Moolenaar